



# House of Representatives

General Assembly

**File No. 128**

January Session, 2017

House Bill No. 7090

*House of Representatives, March 22, 2017*

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING TRANSFER OF A PATIENT UNDER THE JURISDICTION OF THE PSYCHIATRIC SECURITY REVIEW BOARD FOR TREATMENT OR RECOVERY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-599 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) At any time the court or the board determines that the acquittee  
4 is a person who should be confined, it shall make a further  
5 determination of whether the acquittee is so violent as to require  
6 confinement under conditions of maximum security. Any acquittee  
7 found so violent as to require confinement under conditions of  
8 maximum security shall not be confined in any hospital for psychiatric  
9 disabilities or placed with the Commissioner of Developmental  
10 Services unless such hospital or said commissioner has the trained and  
11 equipped staff, facilities or security to accommodate such acquittee.

12     **(b)** The Commissioner of Mental Health and Addiction Services  
13 may transfer any acquittee who requires (1) confinement under  
14 conditions of maximum security pursuant to subsection (a) of this  
15 section, and (2) medical treatment that is unavailable in the maximum  
16 security environment or would constitute a safety hazard to the  
17 acquittee or others due to the use of certain medical equipment or  
18 material, to a facility that can provide such medical treatment,  
19 provided (A) the commissioner ensures that the conditions of custody  
20 of the acquittee at such facility are and remain equivalent to conditions  
21 of maximum security, (B) the commissioner provides immediate  
22 written justification to the board upon such transfer, and (C) transfer of  
23 the acquittee back to the maximum security setting occurs upon  
24 completion of the medical treatment.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2017	17a-599
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**PH**            *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill has no fiscal impact as it conforms to current practice by establishing conditions under which certain acquitees can be transferred by the Department of Mental Health and Addiction Services (DMHAS) to a facility for treatment.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****HB 7090*****AN ACT CONCERNING THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES' RECOMMENDATIONS REGARDING TRANSFER OF A PATIENT UNDER THE JURISDICTION OF THE PSYCHIATRIC SECURITY REVIEW BOARD FOR TREATMENT OR RECOVERY.*****SUMMARY**

This bill codifies existing practice by allowing the Department of Mental Health and Addiction Services (DMHAS) to transfer an “acquittee” (i.e., a person found not guilty of a crime by reason of mental disease or defect) from maximum security confinement to another facility (e.g., hospital or emergency department) for medical treatment. DMHAS may do this only if the acquittee requires medical treatment that either is unavailable in the maximum security setting or would pose a safety hazard due to the use of certain medical equipment or material.

Under the bill, DMHAS must:

1. ensure that the acquittee’s custody conditions at the facility are equivalent to those of maximum security confinement,
2. provide immediate written justification to the Psychiatric Security Review Board (PSRB) upon such a transfer, and
3. transfer the acquittee back to the maximum security setting after the medical treatment is completed.

By law, people found not guilty of a crime by reason of mental disease or defect are committed by the Superior Court to PSRB’s jurisdiction. At the time of commitment, DMHAS takes custody of acquittees and orders their confinement to (1) a psychiatric hospital

(i.e., Connecticut Valley Hospital) or (2) the Department of Developmental Services' custody (if they have an intellectual disability). An aquittee who the court or PSRB determines requires maximum security confinement, cannot be transferred unless the psychiatric hospital or DDS commissioner has the trained and equipped staff, facilities, or security to accommodate him or her.

EFFECTIVE DATE: October 1, 2017

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 26 Nay 0 (03/06/2017)